

LANESBORO ZONING AND SUBDIVISION ORDINANCES

Prepared by the Lanesboro Planning Commission:

Rick Dodge, Chair
Kathy Buzza, Vice-Chair
Jeannette Berge
Dale Struffert
Don Ward

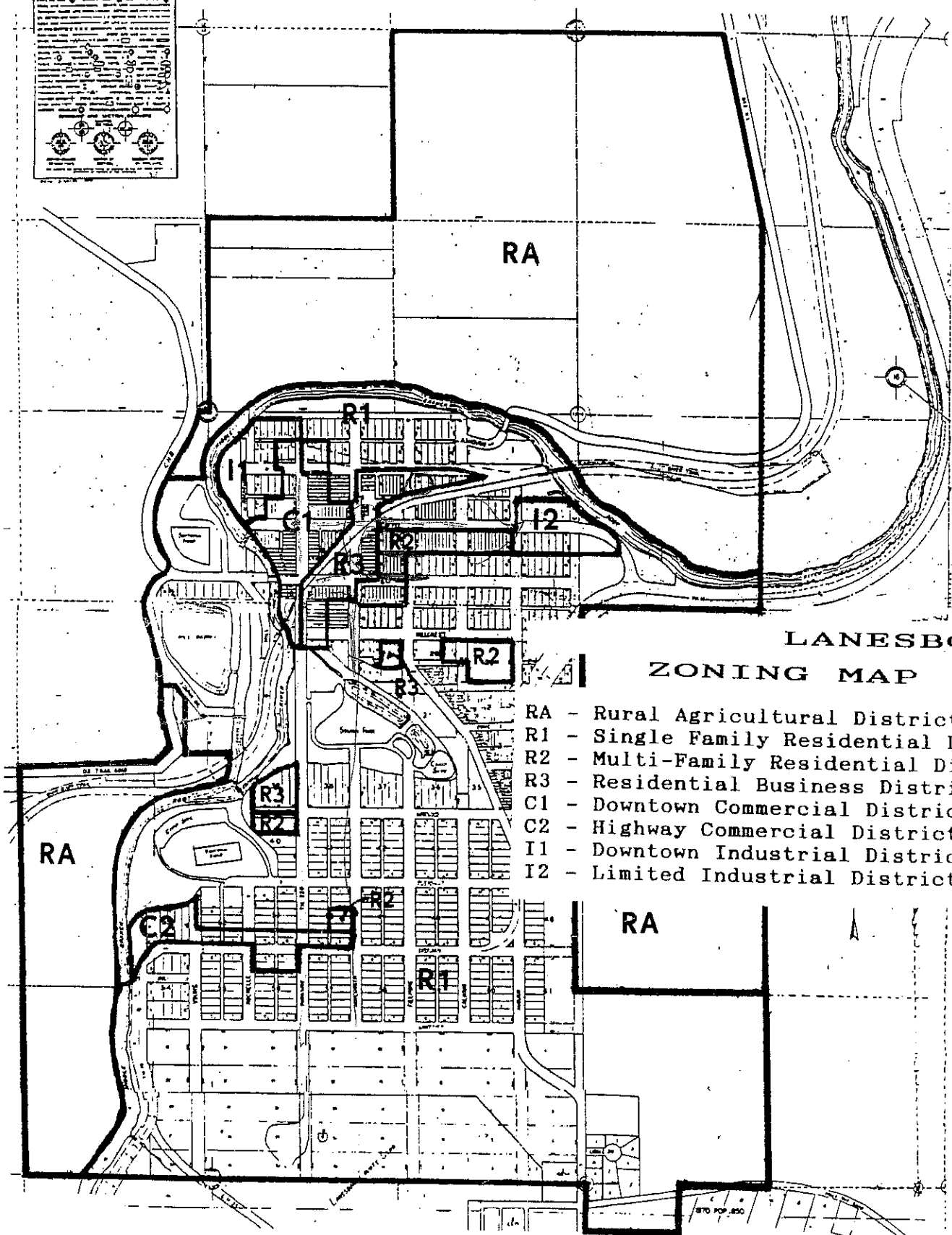
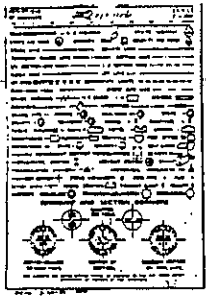
and

Martha Greenwald, Planning Consultant

Adopted June, 1989

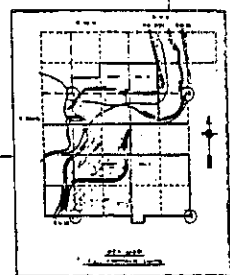
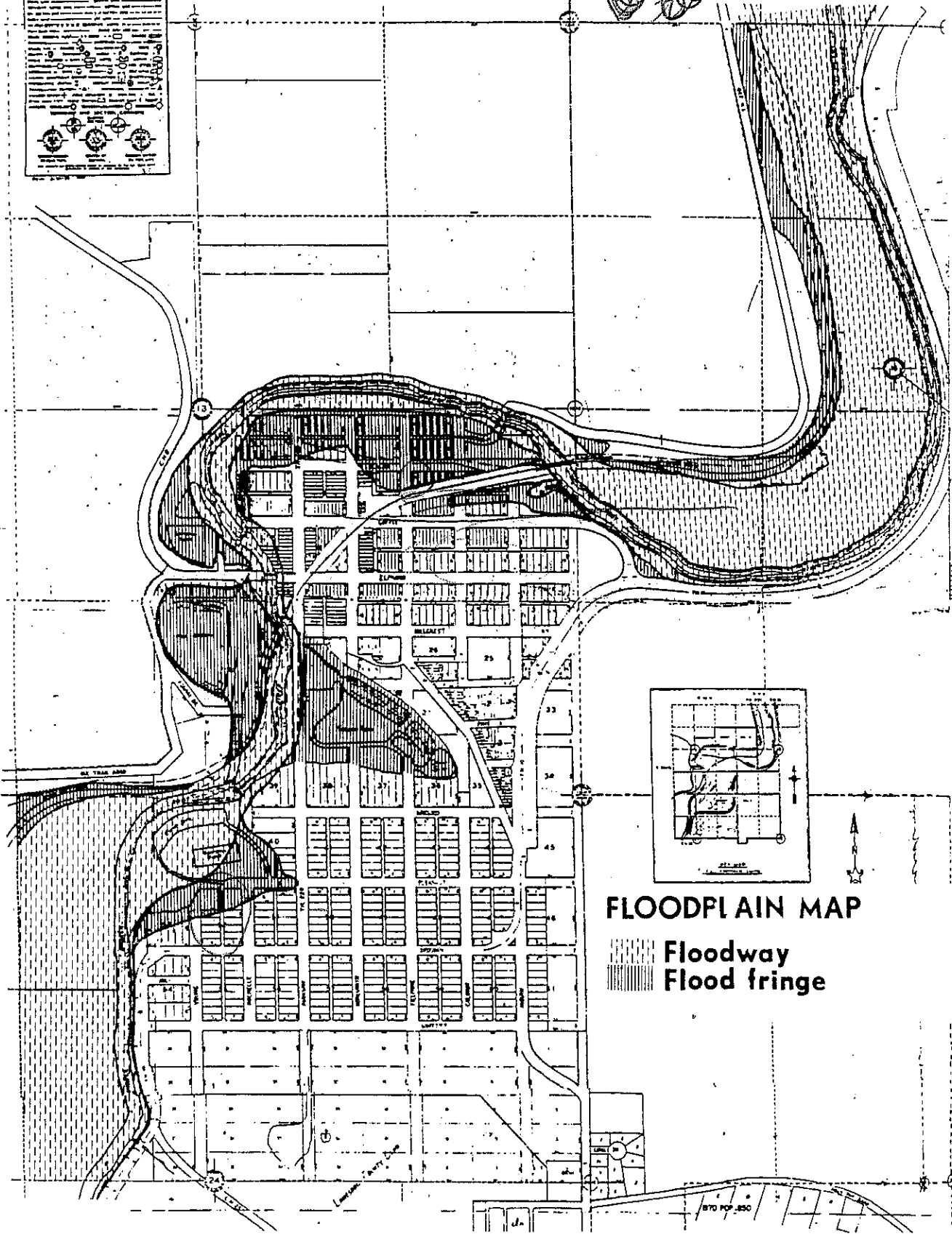
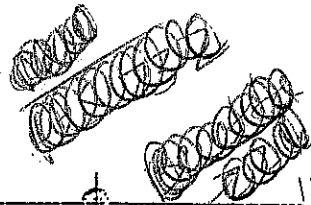
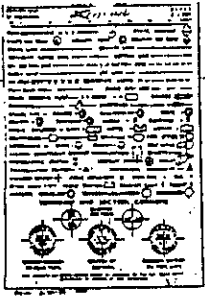
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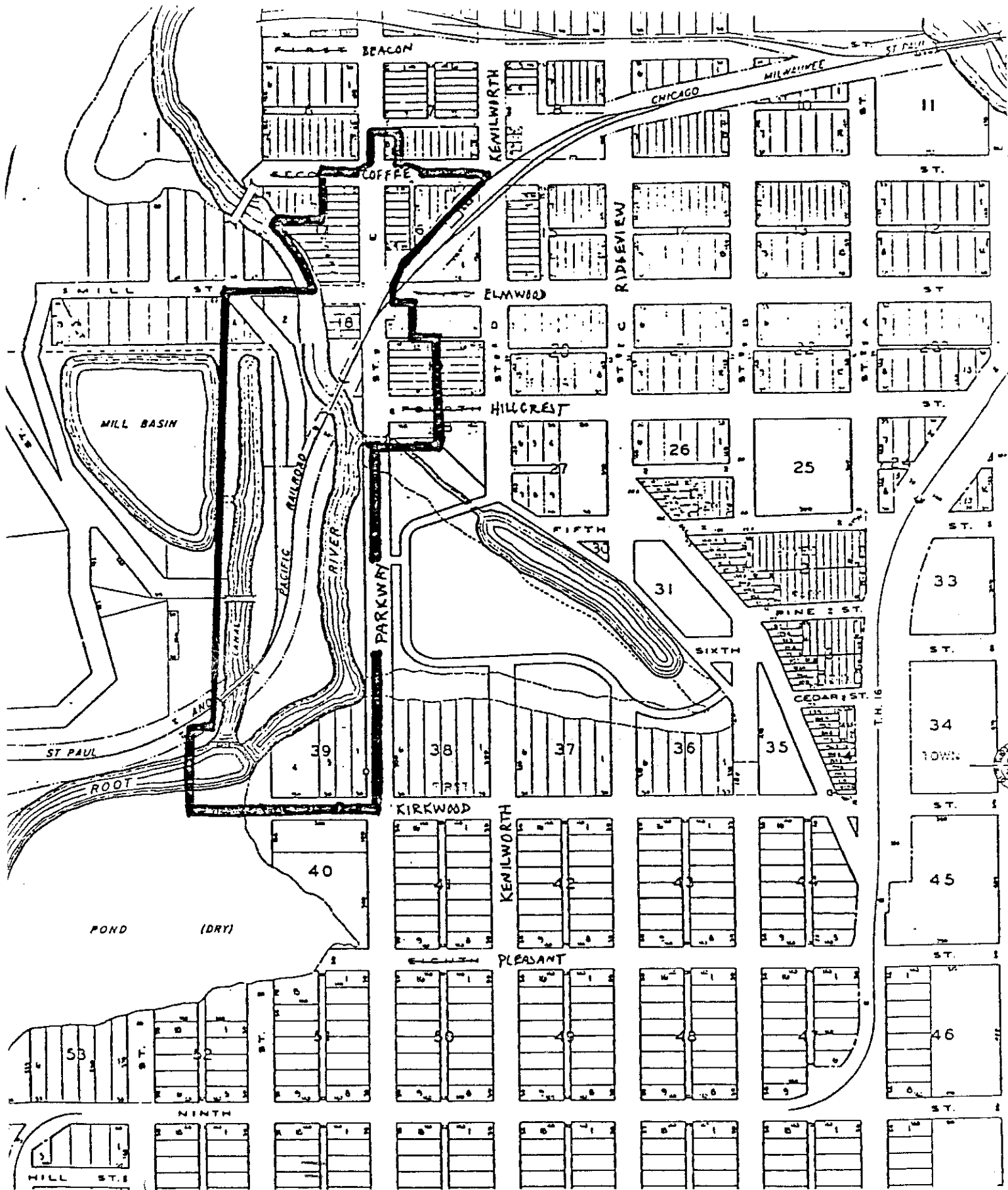
**LANESBORO
ZONING MAP**

- RA - Rural Agricultural District
- R1 - Single Family Residential District
- R2 - Multi-Family Residential District
- R3 - Residential Business District
- C1 - Downtown Commercial District
- C2 - Highway Commercial District
- I1 - Downtown Industrial District
- I2 - Limited Industrial District



FLOODPLAIN MAP
Floodway
Flood fringe

870 POP. 850



SKETCH MAP OF BOUNDARY FOR PROPOSED LANESBORO HISTORIC DISTRICT,
NATIONAL REGISTER OF HISTORIC PLACES.

APPENDIX I: ZONING ORDINANCE

SECTION 330 - ZONING ORDINANCE

Section 330.00 TITLE. This Ordinance shall be known, cited and referred to as the Lanesboro Zoning Ordinance.

Section 330.01 PURPOSE. This Ordinance is adopted for the purpose of:

1. Protecting the public health, safety, morals, comfort, convenience and general welfare.
2. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.
3. Conserving the natural and scenic beauty and attractiveness of the city.
4. Conserving and developing natural resources in the city.
5. Providing for the compatibility of different land uses and the most appropriate use of land throughout the city.
6. Minimizing environmental pollution.

Section 330.02 RULES AND DEFINITIONS.

Subd. 1. Rules. The language in the text of this Ordinance shall be interpreted according to the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word "shall" is mandatory and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. Whenever a word or term is defined in the text of this ordinance, its meaning shall be construed as set forth in such definition.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot.
7. In the event of conflicting provisions, the more restrictive provisions shall apply.

Subd. 2. Definitions. The following words and terms, whenever they occur in this Ordinance, are defined as follows:

1. Accessory Use of Structure - A use of structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.
2. Administrator - the duly appointed person charged with enforcement of this Ordinance.
3. Agricultural Use - the use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:
 - (a) Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye sorghum, and sunflowers.
 - (b) Livestock including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
 - (c) Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
4. Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
5. Auto or Motor Vehicle Reduction Yard - A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard)
6. Basement - Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
7. Bed and Breakfast - A guest accommodation offered in a private residence where the host lives on the premises; where the number of guest rooms available does not exceed 6; where breakfast but no other meal is served by the host.
8. Boarding House (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by arrangement for definite periods, meals or lodging are providing for three or more persons, but not to exceed twenty persons.
9. Building - Any structure having a roof which may provide shelter or enclosure of person, animals, chattel, or property of any kind, and when said structures are divided

by party walls without openings, each portion of such building so separated shall be deemed a separate building.

10. Building Line - A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

11. Building Height - The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

12. Building Setback - The minimum horizontal distance between the building and a lot line, or the normal high water mark of a river.

13. Business - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

14. Carport - An automobile shelter having one or more sides open.

15. Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

16. Clear-cutting - The removal of an entire stand of vegetation.

17. Comprehensive Plan or Policies - A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social and economic development, both public and private, of the city and its environs, as defined in the Minnesota City Planning Act, and including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

18. Conditional Use - A specific type of structure of land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(a) certain conditions as detailed in the zoning ordinance exist and

(b) the structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.

19. Condominium - A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

20. Cooperative - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own share in the enterprise.

21. Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.

22. Duplex - a two family house or apartment.

23. Dwelling Unit - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.

24. Dwelling, Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

25. Dwelling, Detached - A dwelling which is entirely surrounded by open space on the same lot.

26. Dwelling, Earth-Sheltered - A detached dwelling unit insulated by earth embankment or overburden on both on more than 60% of its outer surface, excluding floor areas, and architecturally designed and landscaped to harmonize with its surrounding naturally existing and man made feature.

27. Easement - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways, and gas lines.

28. Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

29. Essential Services - Overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures or collection, communication, supply or disposal systems, and structures used by public utilities or governmental departments or

commissions or as are required for the protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings. For the purpose of this ordinance, the word "buildings" does not include "structures" for essential services.

30. Exterior Storage (Includes Open Storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

31. Extraction Area - Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone, or other natural matter, or made by turning or breaking or undermining the surface of the earth.

32. Family - An individual or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual service.

33. Farm - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

34. Feedlots, Animal - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

35. Fence - Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary or within the required yard.

36. Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

37. Flood Frequency - The frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.

38. Flood Fringe - That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term

"Floodway fringe" used in the Flood Insurance Study for Lanesboro.

39. Flood Plain - The beds proper and areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

40. Flood Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

41. Floodway - The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

42. Floor Area - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

43. Floor Area Ratio - the numerical value obtained through dividing the gross floor area of a building or buildings by net area of the lot or parcel of land on which such building or buildings are located.

44. Floor Plan, General - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

45. Forestry - the use and management, including logging of a forest, woodland, or plantation and related research and education activities, including the construction, alteration, or maintenance of woodroads, skidways, landings, and fences.

46. Frontage - That boundary of a lot which abuts an existing or dedicated public street.

47. Garage, Private - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

48. Governing Body - Lanesboro City Council.

49. Home Occupation - Any gainful occupation or profession engaged in by the occupant of a dwelling or accessory building including but not limited to professional offices, bed and breakfasts, minor repair services, licensed day

care, photo or art studios, dressmaking, barber shops, beauty shops, crafts, or similar uses.

50. Hotel - A building which provides a common entrance, lobby, halls and stairway in which people are, for compensation, lodged with or without meals.

51. Junk Yard - An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard or area where 3 or more unlicensed vehicles remain for 30 days or longer, but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

52. Kennel - Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, or profit.

53. Landscaping - Planting such as trees, grass, and shrubs, and use of decorative stones on lawn areas.

54. Lodging or Rooming House - a building in which rooms are rented as sleeping and living quarters, but without cooking facilities, by the month or longer.

55. Lot - A parcel or portion of land in a subdivision or plat of land, separate from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

56. Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Fillmore County, Minnesota, prior to the effective date of this Ordinance.

57. Lot Area - the area of a lot in a horizontal plane bounded by the lot lines.

58. Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street.

59. Lot Depth - the mean horizontal distance between the front lot line and the rear lot line of a lot.

60. Lot Line - The property line bounding a lot. This excludes any portion of a lot which extends into the public right-of-way.

61. Lot Line, Front - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street.

62. Lot Line, Rear - That boundary of a lot which is opposite the front lot line.

63. Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.

64. Lot, Substandard - A lot or parcel of land for which a deed has been recorded in the office of the Fillmore County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks, or other dimensional standards of this Ordinance.

65. Lot, Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.

66. Lot Width - The maximum horizontal distance between the side lot lines of a lot measured within the required setback line.

67. Manufactured Home - A structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein: except that the term includes any structure which meets all the requirements in the Manufactured Home Building Code contained in M.S. 327.31, Subdivision 3.

68. Metes and Bounds - A method of property description in which lot boundaries are described by their direction and distance from an easily identifiable point.

69. Mining - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site without processing. This does not include removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

70. Mobile home - A manufactured home that is less than 16 feet wide over at least 30 feet of its length in the erected mode, suitable for year round occupancy and containing the

same water supply, waste disposal and electrical conveniences as immobile housing and subject to tax or registration under State law, and having no foundation other than wheels, jacks or skirting. Width measurement shall not take account of overhangs and other projections beyond the principal exterior walls.

71. Motel - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located at each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients.

72. Nursery, Landscape - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without for the purpose of landscape construction.

73. Nursing Home - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in M.S. 144.50.

74. Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

75. Official Map - The map established by the governing body, in accordance with the County Planning Act (M.S. 394.361), showing streets, highways, parks, and drainage, both existing and proposed.

76. Off-Street Loading Space - A space accessible from a street, alley or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

77. Open Sales Lot (Exterior Storage) - Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

78. Parking Space - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

79. Pedestrian Way - A public or private right-of-way across or within a block, to be used by pedestrians.

80. Planned Unit Development - A development whereby buildings are grouped or clustered in and around common open space areas in accordance with a pre-arranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowners association.

81. Planning Commission - The Planning Commission of Lanesboro, unless otherwise designated.

82. Prefabricated Home - A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

83. Principal Structure or Use - The predominant use as contrasted to the accessory use or structure.

84. Property Line - The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.

85. Protective Covenant - A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

86. Public Land - Land owned or operated by municipal, school district, county, state, or other governmental units.

87. Reach - the longitudinal segment of a stream or river influenced by a natural or man-made obstruction. This includes the segment of a river between two consecutive bridge crossings.

88. Recreation, Commercial - Such uses as bowling alleys, driving ranges, and movie theaters that are privately owned and operating with the intention of earning a profit by providing entertainment for the public.

89. Recreation, Public - Such uses as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

90. Recreation Equipment - Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools,

playhouses exceeding twenty-five square feet of floor area, or sheds utilized for storage of equipment.

91. Reclamation Land - The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.

92. Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number.

93. Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

94. Regulatory Flood Protection Elevation - An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

95. Road - A public right-of-way affording primary access by pedestrians or vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.

96. Selective Cutting - the removal of single scattered trees.

97. Sewage - Any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agriculture or commercial establishment, whether treated or untreated and including the liquid wastes produced by bathing, laundry and culinary operation, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

98. Sign - A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

99. Sign, Advertising - A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located, including a billboard.

100. Sinkhole - Any depression in the surface of the ground with or without collapse of adjacent rock which provides a means through which surface water can come in contact with subsurface water.

101. Street - a public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.

102. Street, Collector - A street which serves or is designed to serve as a traffic-way for a neighborhood or as a feeder to a major road.

103. Street, local - A street intended to serve primarily as an access to abutting properties.

104. Street pavement - The wearing or exposed surface of the roadway used by vehicular traffic.

105. Street width - The width of the right-of-way, measured at right angles to the centerline of the street.

106. Story - That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.

107. Structure - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 330.05, Subd. 13.f. of the Ordinance, and other similar items.

108. Structural Alteration - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

109. Subdivision - The division or redivision of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.

110. Townhouse - A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.

111. Toxic and Hazardous Wastes - Waste materials including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

112. Use - The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized, or maintained.

113. Use, Accessory - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

114. Use, Non-Conforming - Use of land, buildings, or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.

115. Use, Permitted - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.

116. Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

117. Use, Conditional - See Conditional Use.

118. Variance - A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

119. Yard - A required open space on a lot which is unoccupied and unobstructed by a structure except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations or the zoning district in which such lot is located.

120. Yard, Rear - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

121. Yard, Side - The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

122. Yard, Front - The area bounded by the front lot line, the side lot lines, and the front yard setback.

123. Zoning Amendment - A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

124. Zoning District - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

Section 330.03 GENERAL PROVISIONS.

Subd. 1. Application of This Ordinance.

a. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

b. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

c. Except as specifically provided in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

Subd. 2. Separability. The several provisions of this Ordinance are separable in accordance with the following:

a. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

Subd. 3. Substandard Lots. If in a group of contiguous platted lots under a single ownership, any individual lot does not meet the minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one (1) or more parcels of land, each meeting the full minimum requirements of this Ordinance.

Subd. 4. Non-Conforming Use and Structures. Any structure or use existing upon the effective date of this Section and which does not

conform to the provisions herein may be continued subject to the following conditions:

a. Substandard Structures. All dimensionally substandard structures that need replacing due to destruction or obsolescence shall be allowed to be replaced, restored, or rebuilt as necessary to remain the same as they exist on the date of the enactment of this Ordinance, provided the standards for private sanitary sewer systems can be met (WPC-40), but any change beyond the established structural dimensions of each substandard structure shall be in compliance with the setback requirements of this Ordinance or any variance that may be obtained or issued for such increase in size.

b. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

c. Abandonment. A non-conforming use of a building which has been discontinued for a period of twelve (12) months shall not be reestablished, and any future use shall be in conformity with the regulations of this Ordinance. The County Assessor shall notify the Lanesboro Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.

d. Relocation. A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of the passage of this Ordinance.

e. Inspection. The enforcing officer may make an annual inspection each June of all non-conforming uses and report to the City Council within 60 days. He may enter upon or in the premises at reasonable hours for inspection purposes.

f. Maintenance. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alternations which do not extend or intensify the non-conforming use.

g. Nonconforming Uses Within the Floodplain District.

1. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques allowable in the State Building Code, except as further restricted in 2. below.

2. If a nonconforming structure within the floodplain is destroyed by any cause, to an extent exceeding 50% of its fair market value as indicated by the records of the County

Assessor, a future structure on the site must meet all applicable standards of this Ordinance.

3. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of Lanesboro's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 330.5, Subd. 13, c. & d. of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

Section 330.04 ADMINISTRATION.

Subd. 1. Enforcing Officer. The Lanesboro City Council shall appoint or contract for the services of a Zoning Administrator whose term of office shall terminate at the pleasure of the governing body. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

- a. Issue building and other permits and make and maintain records thereof.
- b. Conduct inspections of locations of buildings and use of land to determine compliance with the terms of this Ordinance.
- c. Maintain permanent and current records of this Ordinance, including but not limited to: all maps, amendments and conditional uses, variances, appeals, and applications therefore.
- d. Receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- e. Institute, in the name of the City, any appropriate actions or proceedings against a violator as provided for.
- f. The Zoning Administrator shall have the power to enter, at reasonable times, upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

Subd. 2. Appeals and Board of Adjustment.

- a. The Lanesboro City Council shall serve as the Board of Adjustment.

b. The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county, or state.

c. The Board of Adjustment shall also have the power to grant variance to provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 330.04, Subd. 6 of this Ordinance. No use variance (land use other than permitted in the district) shall be issued by the Board of Adjustment.

d. Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

Subd. 3. Duties of the Planning Commission in Zoning Administration. The Planning Commission shall provide assistance to the City Council and Zoning Administrator in the administration of this Ordinance and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, and variances using the criteria in Section 330.04.

Subd. 4. Zoning Amendments (Rezoning).

a. Criteria for Granting Zoning Amendments: The City Council may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions in the City.

b. Kinds of Amendments.

1. A change in a district's boundary (rezoning).
2. A change in the Zoning Ordinance.
3. A change in any other provision of this Ordinance.

c. Initiation of Proceedings. Proceedings for amending this Ordinance shall be initiated by at least one of the following three methods:

1. By petition of any owner or owners of property which is proposed to be rezoned, or for which zoning ordinance or district regulation changes are proposed.
2. By recommendation of the Planning Commission.
3. By action of the City Council.

d. Procedure.

1. If the procedure is being initiated by a property owner, that owner shall comply with the following requirements:

- (a) The owner shall complete an application form and pay the filing fee as established by the City Council.
- (b) The owner shall submit a boundary survey and preliminary building and site development plan for the property. The plan must indicate the names of all adjacent property owners.
- (c) The owner shall appear at the public hearing to explain the basis for the request.

2. The Zoning Administrator shall transmit the application and exhibits to the Planning Commission, shall notify all adjacent property owners about the request, shall set the date for the public hearing, and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

3. If the amendment(rezoning) to the zoning ordinance is city-wide in nature, property owners need only be notified of the proposed amendment via the published public hearing notice.

4. The Planning Commission shall hold the public hearing, and within sixty (60) days, shall recommend approval, denial, or conditional approval of the request. Before the sixty (60) days elapse, the City Council shall be notified of the Planning Commission recommendation.

5. The City Council shall affirm, modify, or deny the Planning Commission recommendations within the next sixty (60) days.

e. Floodplain Amendments. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special excpetions to this rule may be permitted by the

Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to the general provisions, district conditions, and any other portions of this ordinance that relate to floodplain development, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

Subd. 5. Conditional Use Permits.

a. Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Lanesboro City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, morals, and general welfare of occupants of the surrounding area. Among other things, the City Council shall make the following finding where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value, nor will the use deter development of vacant land.
3. The structure and site have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use is reasonably related to the overall needs of the City and to the existing land use.
5. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with policies of the City.
7. The use will not cause traffic hazard or congestion.
8. The use will not cause air, noise, water or visual pollution.
9. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

b. Additional Conditions. In addition to the standards and requirements expressly specified in this Ordinance, the City Council may impose additional conditions which it considers necessary to protect the surrounding area and/or the community as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Imposing time limitations on the use.
10. Modifications of waste treatment and water supply facilities.
11. Limitations on period of use, occupancy and operation.
12. Imposition of operational controls, sureties, and deed restrictions.
13. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
14. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

c. Procedure.

1. The property owner shall comply with the following requirements:

- (a) The owner shall complete an application form and pay the filing fee as established by the City Council.
- (b) The owner shall submit a boundary survey and preliminary building and site development plan for the property. The plan must indicate the names of all adjacent property owners.
- (c) The owner shall appear at the public hearing to explain the basis for the request.

2. The Zoning Administrator shall transmit the application and exhibits to the Planning Commission, shall notify all adjacent property owners about the request, shall set the date for the public hearing, and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

In addition, the Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

3. The Planning Commission shall hold the public hearing, and within sixty (60) days, shall recommend approval, denial, or conditional approval of the request. Before the sixty (60) days elapse, the City Council shall be notified of the Planning Commission recommendation.

4. The City Council shall affirm, modify, or deny the Planning Commission recommendations within the next sixty (60) days.

d. Revocation of Conditional Use Permits.

1. Where a Conditional Use Permit has been issued pursuant to the provisions of this Ordinance, such permit shall become null and void unless:

- a. Work thereon commences within one (1) year from the date the City Council approves the permit.
- b. Work is completed not more than 2 years from the work commencement date, unless additional time is specifically given by City Council Resolution.

2. The Conditional Use Permit authorizes only one particular use, and shall expire if that use ceases for more than twelve (12) consecutive months.

3. In the event the applicant violates any conditions set forth in the permit, the City Council shall have the authority to revoke the Conditional Use Permit.

e. Conditional Uses Within the Floodplain District.

1. Upon filing an application for a Conditional Use Permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for said use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

2. Copies of all decisions granting conditional uses must be received by the Commissioner of Natural Resources within 10 days of such decisions.

Subd. 6. Variances.

a. Criteria for Granting Variances. A variance to the provisions of this Ordinance may be issued to provide relief to the land owner in those zones where this Ordinance imposes undue hardship or practical difficulties to the property owner in the use of this land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the effective date of this Ordinance have had no control.

2. That literal interpretation of this provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions or circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures or buidlings in the same district.

5. The variance requested is the minimum variance which would alleviate the hardship; and

6. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.

7. A proposed home or building improvement may be allowed without a variance, provided it meets the following additional criteria:

(a) It does not intrude on any setback to a degree greater than the building line of the existing principal structure.

(b) It is not located within the Floodplain District.

b. Procedure.

1. The property owner shall comply with the following requirements:

- (a) The owner shall complete an application form and pay the filing fee as established by the City Council.
- (b) The owner shall submit a boundary survey and preliminary building and site development plan for the property. The plan must indicate the names of all adjacent property owners.
- (c) The owner shall appear at the public hearing to explain the basis for the request.

2. The Zoning Administrator shall transmit the application and exhibits to the Planning Commission, shall notify all adjacent property owners about the request, shall set the date for the public hearing, and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

3. The Planning Commission shall hold the public hearing, and within sixty (60) days, shall recommend approval, denial, or conditional approval of the request. Before the sixty (60) days elapse, the City Council shall be notified of the Planning Commission recommendation.

4. The City Council shall affirm, modify, or deny the Planning Commission recommendations within the next sixty (60) days.

c. Variances within the Floodplain District.

1. Notification of all applications for variances within the Floodplain District must be received by the Commissioner of Natural Resources 10 days in advance of the public hearing.

2. Copies of all decisions granting variances must be received by the Commissioner of Natural Resources within 10 days of such decisions.

3. Variances must not allow a lower degree of flood protection than the Regulatory Flood Protection Elevation.

4. If the Board of Adjustment authorizes a variance from the terms of this Ordinances, it shall clearly identify in

writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.

5. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (2) Such construction below the 100-year or regional flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

Subd. 7. Enforcement. It shall be the duty of the Zoning Administrator to cause the provisions of this Ordinance to be properly enforced through the proper legal channels.

Subd. 8. Building Permit.

a. Hereafter, no person shall erect, add on to, remove, demolish, or move any kind of structure or building or part thereof without first securing a Building Permit from the Zoning Administrator.

b. The property owner shall comply with the following requirements:

1. The owner shall complete an application form and pay the filing fee as established by the City Council.

2. The owner shall submit a boundary survey and preliminary building and site development plan for the property.

c. The preliminary building and site development plan must illustrate lot boundaries and dimensions, location and size of all existing and proposed buildings.

d. The Zoning Administrator may request the following additional information from the applicant if pertinent: location of easements, foliage, topography and waterways, existing and proposed parking, landscaping, size and location of all signs, building floor plans, building elevations.

e. Heritage Preservation District Requirements. In the event the property for which a building permit is requested is located within the Lanesboro Heritage Preservation District or is a Heritage Preservation Site, the following additional requirements apply:

1. The review shall be carried out in accordance with Ordinance 320.40 of the Lanesboro City Codes. This code specifies that the following types of building activity shall be reviewed by the Heritage Preservation Commission:

- (a) Remodelling or repair in any manner that will change the exterior appearance of the building or site;
- (b) Construction;
- (c) Moving a building;
- (d) Demolition in whole or in part;
- (e) Repair, removal, replacement, or erection of exterior signs.

2. Upon receiving a building permit application involving building activities as cited in 1. above, the Zoning Administrator shall immediately provide copies of the application form, preliminary site and development plan, and all other related exhibits to the Lanesboro Heritage Preservation Commission.

3. The Lanesboro Heritage Preservation Commission shall make a recommendation to affirm, deny, or modify the permit request, within thirty (30) days of receipt of the request from the Zoning Administrator.

4. If the Heritage Preservation Commission recommends approval of the permit request, and if the proposed development does not also involve a zoning amendment, conditional use permit, or variance request, the Zoning Administrator may issue the building permit without further delay.

5. If the Heritage Preservation Commission recommends denial of the permit request in any respect, its recommendation shall be forwarded to the City Council, which may vote to affirm, overrule or modify the recommendation of the Preservation Commission.

f. Floodplain District. Special permit requirements apply to all activity within the Lanesboro Floodplain. The Zoning Administrator and applicant shall comply with all permit requirements as outlined in Section 330.05, Subdivision 13.

g. If the proposed development conforms in all respects to this Ordinance, a building permit shall be issued by the Zoning Administrator within a period of thirty (30) days.

h. If the proposed development involves a zoning amendment, variance, or conditional use permit, the application shall be

forwarded to the Planning Commission and City Council as specified above.

Subd. 9. Home Occupation Permit.

a. Hereafter, no person shall conduct a home occupation without receiving an annual home occupation permit from the Zoning Administrator.

b. The owner of the home occupation shall comply with the following requirements:

1. The owner shall complete an application form and pay the filing fee as established by the City Council.

2. Home occupations existing at the time of the passage of this ordinance shall be given up to three (3) years from the date of passage to comply with all requirements of this ordinance.

3. The owner of the home occupation shall comply with all requirements as outlined in section 330.06, Subd. 23.

Section 330.05 ZONING DISTRICTS AND DISTRICT PROVISIONS.

Subd. 1. Purpose. The zoning districts carry out and are based on the intents and purposes of the Comprehensive Plan, which also has the purpose of protecting the public health, safety and convenience and general welfare.

Subd. 2. Zoning Districts. For the purposes of this Ordinance, the City of Lanesboro is hereby divided into the following Zoning Districts:

- a. "RA" - Rural Agricultural District
- b. "R-1" - Single Family Residential District
- c. "R-2" - Multi-Family Residential District
- d. "R-3" - Residential Business District
- e. "C-1" - Downtown Commercial District
- f. "C-2" - Highway Commercial District
- g. "I-1" - Downtown Industrial District
- h. "I-2" - Limited Industrial District
- i. "MH" - Mobile Home District
- j. "FP" - Floodplain District
- k. "HP" - Heritage Preservation District
- l. "PUD" - Planned Unit Development District

Subd. 3. Zoning Map. The location and boundaries of the districts established by this Ordinance are set forth on the Official Zoning Map which is hereby incorporated as part of this Ordinance and which is on file with the City Clerk. It shall be the responsibility of the Zoning Administrator to maintain and update this map and the amendments to such map shall be recorded on this map within 30 days after official adoption of the zoning amendments.

District boundary lines recorded on the City Zoning Map are intended to follow lot lines, the centerlines of streets or alleys, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this Ordinance.

Subd. 4. "RA" -Rural Agricultural District.

a. Purpose. To allow agricultural uses and low density single-family residences which will have a minimum impact on the natural resources in the area as well as the need for urban services.

b. Permitted Uses.

Agricultural Land Uses
Farmstead Residences
Single Family Dwellings
Boarding Houses or Bed and Breakfasts
Forestry and Nurseries
Essential Services
Golf Courses
Playgrounds, Parks and Trails
Home occupations

c. Permitted Accessory Uses.

Garages
Fences
Gardening and horticultural uses
Recreation equipment
Any uses customarily associated with and incidental to the permitted uses

d. Conditional Uses

TV and Radio Towers
Federal, State, Local Government and School District buildings and structures
Solid Waste Disposal Sites
Feedlots

e. Prohibited Uses

Junkyards
Quarries

f. Lot Area, Width and Minimum Setback Requirements

1. Front Yard Setback: 40 feet from the road right-of-way.
2. Side Yard Setback: 10 feet.
3. Rear Yard Setback: 40 feet.
4. Minimum Lot Area: 2 1/2 acres.
5. Minimum Lot Width: 100 feet.

g. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 5. "R-1" - Single Family Residential District.

a. Purpose. To allow the continuation of existing residential development and infilling of existing lots in the older residential areas of the city where central sewer and water systems are available.

b. Permitted Uses.

Single family residential structures
Bed and Breakfasts with 2 rooms or less
Home occupations
Public recreation including parks and playgrounds
Churches, chapels, parish houses
Cemeteries
Elementary schools

High school
Community Center
Essential services - telephone, telegraph, power lines and
necessary appurtenant equipment and structures

c. Permitted Accessory Uses. Any incidental structure or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools and storage buildings for use of occupants of the principal structure.

d. Conditional Uses.

Inns/Bed and Breakfasts with 3-6 rooms

Lodging and rooming houses

Duplexes

Golf Courses, excluding miniature golf courses

* e. Lot Area, Width and Minimum Setback Requirements.

1. Front Yard Setback: 30 feet from front lot line. ✓

2. Side Yard Setback: 6 feet. ✓

3. Rear Yard Setback: 20 feet.

4. Minimum Lot Area: 7000 square feet

5. Minimum Lot Width: 50 feet.

6. For detached garages with side-on entries, adjacent to the alley, a rear yard setback of 3 feet shall apply.

f. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 6. "R-2" - Multi-Family Residential District.

a. Purpose. To allow multiple family dwellings in areas that are provided with City water and sewer systems.

b. Permitted Uses.

1013 All uses permitted in the R-1 District

Duplexes

Townhouses and condominiums

Apartments

c. Permitted Accessory Uses. All accessory uses as permitted in the R-1 District.

d. Conditional Uses.

All conditional uses in R-1 District

Apartment complexes containing 22 or more units

e. Lot Area, Width and Minimum Setback Requirements.

1. Front Yard Setback: 30 feet from front lot line.
2. Side Yard Setback: 15 feet.
3. Rear Yard Setback: 30 feet.
4. Minimum Lot Area:
1-2 units: 7,000 square feet
3-21 units: 7,000 square feet plus 1100 square feet for each unit.
22 or more units: 15,000 square feet plus 800 square feet for each unit.
5. Minimum Lot Width: 50 feet.
6. For detached garages with side-on entries, adjacent to the alley, a rear yard setback of 3 feet shall apply.

f. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 7. "R-3" - Residential Business District.

a. Purpose. To allow an appropriate mixture of multi-family residential and office or limited retail uses in areas that are provided with City water and sewer.

b. Permitted Uses. All those uses as permitted in the R-2 District

c. Permitted Accessory Uses. All those accessory uses as permitted in the R-2 District.

d. Conditional Uses. All conditional uses as identified in the R-2 District. In addition:

Art, craft, and antique stores
Ice cream and candy stores
Restaurants seating no more than 30 people
Flower shops
Other retail uses consistent with the purposes of the district

f. Lot Area, Width and Minimum Setback Requirements. For residential uses, all lot area, width and setback requirements shall be identical to those in the R-2 District. For conditional commercial uses, the following setbacks shall apply:

1. Front Yard Setback: 30 feet from the front lot line.
2. Side Yard Setback: 15 feet
3. Rear Yard Setback: 30 feet
4. Minimum Lot Area: 9,000 square feet, provided that adequate parking is provided within the lot as outlined in Section 330.06.
5. Minimum Lot Width: 75 feet.
6. For detached garages with side-on entries, adjacent to the alley, a rear yard setback of 3 feet shall apply.

f. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 8. "C-1" - Downtown Commercial District.

a. Purpose. To allow infill commercial development compatible with the downtown business district.

b. Permitted Uses.

1. Retail establishments such as groceries, bakery, department stores, hardware, drug, clothing and furniture stores.
2. Personal services such as laundry, barber, shoe repair shop and photography studios.
3. Restaurants, cafes and supper clubs
4. Professional services such as medical and dental clinics, architects, attorneys, and other professional offices.
5. Repair services such as jewelry, radio and television repair shops.
6. Banks, finance, insurance and real estate services.
7. Entertainment and amusement services such as theaters, bowling alleys, art galleries.
8. Lodging services such as hotels, inns, and bed and breakfasts.
9. Government buildings.
10. Clubs and Lodges

2. Any activity requiring a building permit within the Heritage Preservation District or a Heritage Preservation site shall require review by the Lanesboro Heritage Preservation Commission.

3. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 9. "C-2" - Highway Commercial District.

a. Purpose. To accommodate businesses that are oriented to the travelling public and require highway access. To minimize strip development, these districts should only allow businesses that absolutely require highway access and exposure.

b. Permitted Uses.

Farm implement dealers
Drive-in restaurants
Recreation equipment sales
Motels, hotels and other lodging facilities
Auto service stations
Permanent produce stands
Auto sales lot
Cafes and restaurants

c. Permitted Accessory Uses. All those accessory uses as permitted in the C-1 District.

d. Conditional Uses. All those conditional uses as are permitted in the C-1 District.

e. Lot Area, Width and Minimum Setback Requirements.

1. Front Yard Setback: 45 feet from front lot line.
2. Side Yard Setback: 20 feet
3. Rear Yard Setback: 20 feet
4. Minimum Lot Area: 10,000 square feet.
5. Minimum Lot Width: 100 feet.

f. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 10. "I-1" - Downtown Industrial District.

a. Purpose. To allow a limited amount of industrial development to occur, in a manner compatible with the general character of

the downtown. Industries that pose problems of air pollution, noise, vibrations, etc., will be restricted from this District.

b. Permitted Uses.

Lumber Yard
Wholesale manufacturing businesses
Warehouses
Public vehicle garage
Auto repair garage
-Constructor's shops and facilities. —
Laboratories for research and quality control.
Trade schools
Offices
Essential services - utility lines and necessary appurtenant structures

c. Permitted Accessory Uses. Any incidental repair, processing, or storage necessary to conduct a permitted principal use.

d. Conditional Uses. Uses which in the opinion of the Planning Commission and the City Council are of the same general character as the permitted uses and which will not be detrimental to the downtown.

e. Lot Area, Width and Setback Requirements.

1. Setbacks: The following criteria shall govern setbacks in this district:

(a) No infill development shall be closer to the front lot line than adjacent uses.

(b) There is no minimum side yard setback.

(c) Rear yard setback: 20 feet.

2. Minimum Lot Area: 7,000 square feet.

3. Minimum Lot Width: 50 feet.

f. Additional Requirements.

1. Electrical wiring in new infill development or building renovation shall be conduited as approved by the State Electrical Inspector.

2. Any activity requiring a building permit within the Heritage Preservation District or a Heritage Preservation site shall require review by the Lanesboro Heritage Preservation Commission.

3. All required loading activities shall be accommodated on-site.

4. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 11. "I-2" - Limited Industrial District.

a. Purpose. To allow industrial development consistent with community goals within the Lanesboro Industrial Park.

b. Permitted Uses.

All uses as permitted within the I-1 District.
Crop storage, processing, and drying facilities.

c. Permitted Accessory Uses.

1. Off-street parking, storage garage, buildings, and loading as required by this Ordinance.

2. Buildings temporarily located for the purposes of construction.

3. Essential security and safety facilities.

d. Conditional Uses.

1. Dwellings for watchmen or custodians of industrial property.

2. Uses which in the opinion of the Planning Commission and the City Council are of the same general character as the permitted uses and which will not be detrimental to the health, safety and welfare of the community.

e. Lot Area, Width and Setback Requirements.

1. Front Yard Setback: 75 feet from the pavement or curb edge.

2. Side Yard Setback: 30 feet; or 50 feet where adjacent to a residential area.

3. Rear Yard Setback: 30 feet.

4. Minimum Lot Area: 20,000 square feet

5. Minimum Lot Width: 100 feet.

f. Additional Requirements.

1. All required loading activities shall be accommodated on-site.

2. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 12. "MH" - Mobile Home District.

a. Purpose. To maintain property values and to promote the health, safety, order, convenience, and general welfare by establishing minimum standards for the design, construction, alteration and enlargement of mobile home parks. Such parks are only to be located in areas served by City water and sewer.

b. Permitted Uses.

Mobile Homes
Community Buildings
Parks and recreation areas
Essential services including telephone, telegraph and power lines

c. Permitted Accessory Uses. Any incidental structure or building including carports, screen houses, garages, and storage buildings for use of the occupants of the mobile home units.

d. Lot Area, Width and Minimum Setback Requirements.

1. Front Yard Setback: 25 feet from front lot line.
2. Side Yard Setback: 10 feet
3. Rear Yard Setback: 20 feet
4. Minimum Lot Area: 5,000 square feet
5. Minimum Lot Width: 50 feet.

e. Additional Requirements. Development occurring in this district shall meet the additional requirements as outlined in Section 330.06.

Subd. 13. "FP" - Floodplain District.

a. Purpose. To create an overlay zoning district which will protect the flood hazard areas of the City of Lanesboro, which are subject to periodic inundation resulting in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. Permit Requirements.

1. Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use of change of use of a building,

structure or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

2. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

3. State and Federal Permits. Prior to granting a permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.

4. Certificate of Zoning Compliance for a new, altered, or nonconforming use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

5. Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Subdivision i., below.

6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the

flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.

c. Floodplain Map and Sub-Districts.

1. The Lanesboro Flood Insurance Study prepared by the Federal Insurance Administration and dated March 2, 1981, and the Flood Boundary and Floodway Map dated September 2, 1981, and the Flood Insurance Rate Map dated September 2, 1981, are hereby adopted by reference and declared to be a part of this Ordinance.

2. For the purpose of this Ordinance, the Floodplain is divided into two separate districts as follows:

(a) Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Boundary and Floodway Map as cited in Subd. 13.b.1. above.

(b) Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map as cited in Subd. 13.b.1. above.

d. Floodway District.

1. Permitted Uses:

(a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(b) Industrial/commercial loading and parking areas.

(c) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

(d) Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses:

(a) The use shall have a low flood damage potential.

(b) The use shall be permissible in the underlying zoning district if one exists.

(c) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

3. Conditional Uses:

(a) Structures accessory to the permitted uses within the floodway and the uses listed in 3.(b)-(h) below.

(b) Extraction and storage of sand, gravel, and other materials.

(c) Marinas, boat rentals, docks, piers, wharfs, and water control structures.

(d) Railroads, streets, bridges, utility transmission lines, and pipelines.

(e) Storage yards for equipment, machinery, or materials.

(f) Placement of fill.

(g) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subdivision 13.f. of this Section.

(h) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4. Standards for Floodway Conditional Uses:

(a) All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

(b) All floodway Conditional Uses shall be subject to the procedures and standards contained in Section 330.04, Subdivision 5 of this Ordinance.

(c) The conditional use shall be permissible in the underlying zoning district if one exists.

(d) Fill:

(1) Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(3) As an alternative, and consistent with Subsection (2) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

(e) Accessory Structures:

(1) Accessory structures shall not be designed for human habitation.

(2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

I. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,

II. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3) Accessory structures shall be elevated on fill or structural dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classification in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in

size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

I. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

II. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

(f) Storage of Materials and Equipment:

(1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

(g) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

(h) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

e. Flood Fringe District.

1. Permitted Uses: Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in subsection 2. immediately below and the standards for all Flood Fringe "Permitted and Conditional Uses" listed in subsection 5. below.

2. Standards for Flood Fringe Permitted Uses.

(a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

(b) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with Subd.13.c.4.(e)(3).

(c) The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with (a) above.

(d) The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

(e) The provisions of subsection 5. below shall apply.

3. Conditional Uses: Any structure or use of land that does not comply with subsection 2. immediately above shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in subsection 4. and 5. below, as well as Section 330.04, Subdivision 5 of this Ordinance.

4. Standards for Flood Fringe Conditional Uses:

(a) Alternative elevation methods other than the use of fill may be used to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) if the enclosed area is above-grade on at least one side of the structure; 2) is designed to internally flood and is constructed with flood resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The

above noted alternative elevation methods are subject to the following additional standards:

(1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

I. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood water to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

II. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(b) Basements shall be subject to the following:

(1) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

(2) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with subsection (c) immediately below.

(c) All areas of non residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be floodproofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State

Building Code. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

(d) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

(e) Storage of Materials and equipment:

(1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

(3) The provisions of subsection e. immediately below shall also apply.

5. Standards for All Flood Fringe Uses:

(a) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(b) Commercial and Industrial uses - accessory land uses, such as yards and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

(c) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(d) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

(e) All manufactured homes must be securely anchored to a foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

f. Public Utilities, Railroads, Roads and Bridges.

1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Section d. of this Subdivision. Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety of where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

3. On-site Sewage Treatment and Water Supply Systems:
Where public utilities are not provided:

(a) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems.

(b) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and

discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding.

(c) Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

g. Manufactured Homes and Manufactured Homes Parks and Placement of Travel Trailers and Travel Vehicles.

1. The placement of new or replacement manufactured homes on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section e. of this Subdivision.

2. Travel trailers and travel vehicles are exempt from the provisions of this Subdivision if they are placed in any of the areas listed in 3. below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
- (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
- (c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

3. Areas Exempted For Placement of Travel/Recreational Vehicles:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium type associations.

4. Any structural addition to the travel trailer/vehicle or construction of an accessory structure such as a garage or storage building shall cause that vehicle to be treated as a permanent structure, subject to all the provisions of this Subdivision.

5. New commercial travel trailer/vehicle parks or campground and new residential type subdivisions and condominium association, and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

- (a) Any new or replacement travel trailer/vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection

Elevation and proper elevated road access to the site exists in accordance with this Subdivision. Any fill placed in a floodway for the purpose of elevating a travel trailer shall be subject to the requirements of this Subdivision.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may be allowed as a Conditional Use provided it complies with all relevant Conditional Use tests as described in this Ordinance. Furthermore, the applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding.

6. New manufactured home parks and expansions to existing mobile manufactured home parks shall also be subject to the provisions contained in the Lanesboro Subdivision Ordinance.

h. Procedures and Standards for Floodplain Conditional Uses.

1. In addition to the Conditional Use filing requirements as described in this Ordinance, the applicant shall provide the following additional information as deemed necessary by the Lanesboro Planning Commission:

(a) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

(b) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

2. The information described in (a) and (b) above shall be transmitted to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to use, the adequacy of the plans for protection, and other technical matters.

3. Based upon the technical evaluation of the designated engineer or expert, the City of Lanesboro shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4. For Conditional Use applications within Flood Plain Districts, the following additional relevant factors shall be considered:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the service provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this Ordinance.

i. Penalties for Violation. In the event that any of the provisions, conditions, or requirements of this ordinance are violated, the City may take lawful action as necessary to prevent or remedy any violations. Such actions may include but are not limited to:

1. In responding to a suspected ordinance violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official control and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and

document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either (a) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (b) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

Subd. 14. "HP" - Heritage Preservation District.

a. Purpose. To create an overlay zoning district which will protect those areas of Lanesboro designated by the Lanesboro Heritage Preservation Commission as Heritage Preservation Sites.

b. Heritage Preservation Sites Map. A copy of the official Heritage Preservation Sites Map will be available in the office of the Lanesboro City Clerk. Properties specifically identified on this Map shall be subject to the special requirements of this overlay district.

c. Development Requirements.

1. All development within the boundaries of this district or on these sites shall be subject to review by the Lanesboro Heritage Preservation Commission, as outlined in this Ordinance and in Lanesboro Ordinance 320.40.

2. Properties within the Heritage Preservation District shall be subject to the requirements of the underlying zoning district, in addition to the requirements in Ordinance 320.40. In the event of any conflict between the two Ordinances, the more strict requirements shall prevail.

Subd. 15. "PUD"-Planned Unit Development District.

a. Purpose. The purpose of this section is to create an overlay district aimed at encouraging a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time, meeting the standards and purposes of the Lanesboro Comprehensive Plan. The PUD District also may serve the purposes of ensuring concentration of open space into more useable areas, preserving the natural resources of the site, and facilitating the economical provision of streets and public utilities.

b. Permitted Uses. The permitted uses are defined by the underlying zoning district.

c. General Requirements.

1. A Conditional Use Permit shall be required of all Planned Unit Developments.

2. The City may approve the Planned Unit Development only if it finds that the development satisfies all the following standards:

- (a) It is consistent with the Lanesboro Comprehensive Plan.
- (b) It is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
- (c) It can be planned to harmonize with any existing or proposed development in the areas surrounding the project site.
- (d) Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit development.
- (e) A minimum of two or more principal structures are proposed.
- (f) The tract under consideration is under single ownership or control.
- (g) It meets the standards of the Subdivision Regulations.

3. Density. In the planned unit development, the number of dwelling units proposed for the entire site shall not exceed the total number permitted under the underlying zoning district (excluding land allocated to streets), except that a bonus of one additional unit for each eight units shall be allowed to encourage PUD's.

4. Coordination with Subdivision Regulations. Subdivision review under the Subdivision Ordinance shall be carried out simultaneously with the review of a planned unit

development. The applicant will be charged only the fee associated with a proposed subdivision, and shall not be subject to an extra charge for the conditional use permit.

5. Pre-Application Meeting. Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator and, if necessary, with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question, and to learn the procedural steps for filing a planned unit development application.

6. Sketch Plan.

(a) The applicant shall make an application for and conditional use permit-PUD, following the procedural steps as set forth in this Ordinance.

(b) In addition to the criteria and standards used to evaluate conditional uses and subdivision projects, the following additional criteria shall be considered in the review of the Sketch Plan:

(1) Each phase of the proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and the construction of dwelling units and common open space are balanced and coordinated.

(2) The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

(c) Documentation Required. The applicant shall provide all the background information required for both a conditional use permit and a subdivision request. In addition, the following exhibits shall be submitted by the applicant:

(1) An explanation of the character of the PUD and the manner in which it has been planned to take advantage of PUD development regulations.

(2) A statement of proposed financing of the PUD.

(3) A statement of the present ownership of all of the land included within the planned development and a list of all adjacent property owners.

(4) A general indication of the expected schedule of development.

(5) A map with the legal description of the property, including approximate total acreage, location of existing property lines and dimensions, ownership of all parcels, platting, easements, street rights-of-way, utilities, and buildings for the property and for adjacent properties.

(6) Natural features of the development site and adjacent properties showing contour lines,

drainage patterns, vegetation, and soil conditions.

(7) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.

(8) A full description as to how all necessary governmental services will be provided to the developent, including sanitary sewers, storm sewers, water system, streets, and other public utilities.

(9) An engineering report presenting results of percolation tests and soils analysis of the site.

(10) Any additional information as requested by the Planning Commission or City Council.

7. Preliminary Plat. The applicant shall also submit a preliminary plat and all the necessary documentation as required under the Subdivision Regulations. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one hearing or may be held concurrently.

8. Final Development Plan.

(a) Within sixty (60) days following the approval of the preliminary plant, the applicant shall file with the zoning administrator a final development plan containing in final form the information required in the outline development plan plus any changes recommended by the Planning Commission and the City Council as a result of the public hearing.

(b) The Zoning Administrator shall submit the final development plan and the final plat to the Planning Commission for review.

(c) The final development plan and the final plat shall conform to the sketch plan and preliminary plat, plus any recommended changes by the Planning Commission or City Council.

(d) The City Council shall review the final development plan and plat. The Council shall give notice and provide opportunity to be heard on the final development plan to any person who has indicated to the Planning Commission in writing that he or she wishes to be notified.

(e) If the final development plan is approved by the City Council, the Zoning Administrator shall issue a conditional use permit to the applicant.

9. Conveyance and Maintenance of Common Open Space. All common open space as shown on the final development plan must be conveyed to a public agency or to trustees, which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

Section 330.06 PERFORMANCE STANDARDS.

Subd. 1. Purpose. The performance standards established in this Section are designed to encourage a high standard of development, and to prevent and eliminate those conditions that cause blight. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated.

Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or land owners shall supply data necessary to demonstrate such conformance.

Subd. 2. Exterior Storage. In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order: Laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are intended for use on the premises, off-street parking of passenger automobiles and pick-up trucks, and fire wood. Boats and unoccupied trailers are permissible. Existing uses shall comply with this provision within twelve (12) months following enactment of this Ordinance.

Subd. 3. Nuisances. No noise, odors, vibration, smoke, air pollution, refuse, toxic or noxious matters, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. Regulation of nuisances within the City of Lanesboro shall be as outlined in City Ordinance #5A.

Subd. 4. Screening. Screening shall be required in residential zones where:

- a. Any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone, and,
- b. Where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.

Where any new or existing business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

The screening required in this section may consist of a fence, trees, shrubs, and berms, but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty (20) feet from the street right-of-way with landscaping between the screening and

pavement. Planting of a type approved by the City Council may also be required in addition to or in lieu of fencing.

Subd. 5. Fencing. The following requirements apply to fences:

a. All boundary line fences shall be entirely located upon the property of the person, firm or corporation constructing, or causing the construction, of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The Zoning Administrator may require the owner of the property upon which a fence now exists, or may require any applicant wishing to construct a fence, to establish the boundary lines of this property by a survey thereof to be made by any Registered Land Surveyor.

b. Fences shall not exceed six (6) feet in height in residential districts of eight (8) feet in height in commercial-industrial districts. Fences higher than these shall require a conditional use permit.

c. Required fences shall be at least 6 feet high and not more than 8.

Subd. 6. Landscaping. In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard including grass, decorative stones and/or shrubs and trees, along all streets. In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

Subd. 7. Bulk Storage (liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the City Council may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety, and general welfare). All existing, above-ground liquid storage tanks having a capacity in excess of ten thousand (10,000) gallons shall secure a conditional use permit within twenty-four (24) months following enactment of this Ordinance. The City Council may require the development of diking around said tanks. Diking shall be suitably and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity. The City Council may require pressure testing of storage tanks on a periodic basis. Any existing above or below ground storage tank that, in the opinion of the Minnesota Pollution Control Agency, constitutes a hazard to the public safety shall discontinue operations within five (5) years or a shorter period if so determined by the City Council, following enactment of this Ordinance.

Subd. 8. Height Restrictions.

a. No building shall hereafter be erected or structurally altered to exceed thirty-five feet in height above the average grade of the adjoining ground.

b. A Conditional Use Permit shall be required for all new grain elevators, barns, silos, windmills, cooling towers, corn dryers, water towers, chimneys and smoke stacks, church spires, electric transmission lines, radio or television towers, and other uses, in excess of the height limitations described in a. above.

c. In evaluating Conditional Use Permit requests to exceed the height standards in a., above, the effect of the proposed deviation on visual blight, safety, operation of the proposed use, and the public welfare shall be considered.

Subd. 9. Parking.

a. Surfacing and Drainage. Off-street parking areas shall be improved with a durable and dust-less surface. Such areas shall be graded and drained to dispose of all surface water without damage to adjoining property. These requirements shall also apply to open sales lots. Durable and dustless surface may include crushed rock and similar treatment. The Council may require the use of asphalt, concrete, or other surface (water sealed) when circumstances warrant it.

b. Location. All accessory off-street parking facilities required herein shall be located as follows:

1. Spaces accessory to one and two family dwellings on the same lot as the principal use served.
2. Spaces accessory to multiple-family dwellings on the same lot as the principal use served or within two hundred feet of the main entrance to the principal building served.
3. There shall be no off-street parking space within five feet of any street right-of-way.
4. No off-street open parking area containing more than four parking space shall be located closer than five feet from an adjacent lot zoned or used for residential purposes.

c. General Provisions.

1. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock, or other non-finished surfacing shall be no closer than one foot to any side or rear lot line.
2. Parking spaces: Each parking space shall not be less than nine feet wide and twenty feet in length for diagonal parking and eight feet wide and twenty-two feet in length for parallel parking.

3. Control of off-street parking facilities. When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the City requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

4. Use of parking area. Required off-street parking space in any District shall not be utilized for open storage or goods or for the storage of vehicles which are inoperable or for sale or for rent.

d. Design and Maintenance of Off-Street Parking Areas.

1. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed twenty-two (22) feet in width and shall be so located as to cause the least interference with traffic movement.

2. Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.

3. Curbing and Landscaping. All open off-street parking area designed to have head-in parking along the property line shall provide a bumper curb not less than three feet from the side property line or a guard of normal bumper height not less than one foot from the side property line. When said area is for six spaces or more, a curb or fence not over five feet in height shall be erected along the front yard setback line and grass or planting shall occupy the space between the sidewalk and curb or fence.

4. Parking space for six or more cars. When a required off-street parking space for six cars or more is located adjacent to the Residential District, a fence of adequate design, not over five feet in height nor less than four feet in height shall be erected along the Residential District property line.

5. Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, accessways, landscaping and required fences.

6. Determination of areas. A parking space shall not be less than three hundred square feet per vehicle of standing and maneuvering area.

e. Parking in Residential Areas. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes.

f. Off-Street Spaces Required For New Construction (One space equals 300 square feet).

1. All Residences: Two spaces per dwelling unit.

2. Churches, Theaters, Auditoriums, and other places of assembly: One space for each three seats or for each five feet of pew length. Based upon maximum design capacity.

3. Businesses and Professional Offices: One space for each 200 square feet of gross floor space.

4. Medical and Dental Clinics, Hospitals and Nursing Homes: Five spaces per doctor or dentist, plus one space for each employee, plus one space for each five beds.

5. Hotels, Motels: One space per rental unit plus one space per employee.

6. Schools: At least one parking space for each four students based on design capacity, plus one additional space for each classroom.

7. Drive-in Food Establishment: At least one parking space for each fifteen square feet of gross floor space in building allocated to drive-in operation.

8. Automobile Service Station: At least two off-street parking spaces plus four off-street parking space for each service stall.

9. Retail Store: At least one off-street parking space for each 150 square feet of gross floor area.

10. Restaurants, Cafes, Bars, Taverns, Night Clubs: At least one space for each three seats based on design capacity.

11. Uses Not Specifically Noted: As determined by the Council following review by the Planning Commission.

Subd. 10. Development on Corner Lots. The yard at a corner lot located at the intersection of two streets shall be kept free from any man-made obstruction or plant material reaching a height of greater than two and one-half feet. The clear line of vision shall be maintained at a radius of thirty (30) feet from the intersection of the front and side lot lines, when said lot lines form the boundaries of a corner lot.

Subd. 11. Dwelling Unit Restrictions.

a. Except for permitted earth sheltered structures, no cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, except in multiple family dwellings, with additional living units located above ground.

b. Basements may be used as living quarters or rooms as a portion of residential dwellings. *only with approved escape well*

c. Tents, play houses or similar structures may be used for play or recreational purposes.

d. Existing cellars or basements used as an independent dwelling unit shall be considered a nonconforming use, subject to the provisions of Section 330.03, Subd.4. of this Ordinance.

e. All dwellings other than mobile homes in approved mobile home parks shall be located upon a permanent foundation.

f. Site built dwellings and manufactured homes other than mobile homes shall be no less than 30 feet in length and no less than 16 feet in width over that entire minimum length. Width measurements shall not take account of overhangs and other projections beyond the principal walls.

g. Single family dwellings other than approved earth sheltered homes shall have a pitched roof covered with shingle or tiles and have eaves of not less than six inches.

h. All structures will be required to connect to water and sewer if available.

i. Sheet metal or corrugated metal siding shall not be permitted.

Subd. 12. Accessory Building and Structures.

a. Accessory buildings shall be located in conformance with the setback requirements of the specific district, except where the rear property line bounds against an alley, in which case, the building may be located no closer than five (5) feet from the property line.

b. No accessory building shall be located nearer the front property line than the principal building on the lot.

c. No accessory building shall exceed the height of the principal building.

Subd. 13. Signs.

a. Purpose. The purpose of this Subdivision is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout the City.

b. Signs are recognized as accessory uses and are permitted in all Districts subject to the regulations of this Chapter.

c. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door, window or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.

d. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility or traffic control.

e. Private signs are prohibited within the public right-of-way or any street or easement.

f. All signs on State and Federal highways right-of-way shall conform to State and Federal sign regulations.

g. Permitted Signs. The following signs will be permitted in all Districts subject to the specific standards indicated:

1. Business identification signs located on the premises, not exceeding 40 square feet in area.

2. Temporary real estate signs advertising the sale, rental, or lease of premises not exceeding 16 square feet in area.

3. Memorial signs, tablets, and names of buildings and date of erection, provided said signs are cut into masonry surface or affixed on a metal plate flat against a structure.

4. Official signs such as traffic control, parking restrictions, information and notices.

5. Political signs not exceeding 20 square feet in area, providing signs are placed with the consent of the property owner and are removed within seven day following the date of the election.

6. Temporary construction signs not exceeding 20 square feet in area, provided said signs are removed when the project is completed.
7. Temporary signs or banners as authorized by the City Council.
8. Signs at apartment buildings, not to exceed 25 square feet in area.
- h. Signs proposed for location within the Heritage Preservation District must be reviewed by the Heritage Preservation Commission before they can be erected. Said signs shall be subject to all the requirements of this Ordinance, in addition to the City Ordinance 320.40, the Heritage Preservation Ordinance.
- i. Signs Requiring a Conditional Use Permit.
 1. All illuminated signs.
 2. Billboards.
 3. Freestanding or protruding signs with an area greater than is otherwise allowed.
 4. Other signs not specifically described.
- j. Non-conforming Signs. Signs lawfully existing at the effective date of this Ordinance may be continued. In the event the use of the property changes and a new sign is required, said sign shall conform to the requirements of this Ordinance.
- k. Sign Maintenance. The owner of any sign shall be required to have such sign properly painted at least once every five years, if needed, including all parts and supports of the sign, unless such part or supports are galvanized or otherwise treated to prevent rust.
- l. Obsolete Signs. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land on which the sign is found. Said removal shall take place as soon as the sign becomes obsolete, or within ten days after the owner or agent receives written notification from the Zoning Administrator.
- m. Unsafe or Dangerous Signs. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land upon which the sign is located within ten days after written notification from the Zoning Administrator.

Subd. 14. Permitted Encroachments. The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

a. In any yard: Posts, off-street open parking spaces, flues, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

Subd. 15. Relocating Structures.

a. Permit Required. Every licensed house moved shall, in each and every instance, before rising, holding up or moving any building, obtain a permit thereafter from the Zoning Administrator. An application for such permit shall designate the lot on which the house is to be located, the dimensions of the lot and the proposed location of the structure on the lot along with setback distance. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the Zoning Administrator:

1. The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.
2. The building must be placed on the lot so as to meet all the front, side, and rear yard requirements as set forth in the Zoning Ordinance.

b. Electrical Connection Requirements. In the event that electrical wires need to be removed in order to allow relocation of a structure, it shall be the duty of the person, association, or corporation operating and controlling overhead electrical or other wires to remove or displace the same.

The person to whom the relocation permit has been issued shall notify the party controlling overhead electrical or other wires, to obtain their assistance in the wire removals necessary to allow passage of the building through the street.

Any expense incurred in removing or replacing overhead wires shall be paid for by the person who makes application for the relocation permit.

c. Application Procedure. Relocation permits must be acted upon by the Planning Commission, which will forward its recommendations to the City Council. The Planning Commission shall determine whether relocation applications conform to the immediate surrounding community. The Commission, at its discretion, may call a public meeting of resident owners with property adjacent to the subject property for owner's review of the proposed application.

Subd. 16. Vacated Streets. Whenever any street, alley, easement, or public way is vacated by official action, the zoning classification of the district abutting the centerline of the vacated area shall not be affected by such proceeding.

Subd. 17. Access Drives and Access.

a. Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any single or two family residence, no closer than five (5) feet to any multiple family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

b. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the City Council.

Subd. 18. Private Sewer Systems. the standards as found in Minnesota Pollution Control Agency's Standards for Sewage Treatment Systems (WPC-40) are hereby adopted by reference. If there are any inconsistencies between the standards found in this Ordinance and WPC-40 or in WPC-40 as amended, the standards found in WPC-40 shall prevail.

Subd. 19. Soil Erosion and Sedimentation Control.

a. General Standards.

1. No land occupier or person may cause or conduct, contract for, or authorize any activity which causes accelerated erosion or sediment damage within the City.

2. Slopes over 18 percent in grade shall not be developed.

3. Development on slopes with a grade between 12 to 18 percent shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation, and structural damage.

4. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

5. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

6. The drainage system shall be constructed and operational as quickly as possible during construction.

7. Whenever possible, natural vegetation shall be retained and protected.

8. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

9. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed 60 days. Said time period may be extended only if the Planning Commission is satisfied that adequate measures have been established and will remain in place.

10. The natural drainage system shall be used as far as is feasible for storage and flow of runoff. Stormwater drainage shall be discharged to marshlands, retention basins or other treatment facilities. Temporary storage areas or retention basins scattered through developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost.

b. Exposed Slopes. The following control measures shall be taken to control erosion during any construction/subdivision plan that will disturb over 10,000 square feet.

1. The developer shall include a proposed erosion control plan as part of the overall plan.

2. No exposed slope should be steeper in grade than five (5) feet horizontal to one (1) foot vertical.

3. Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contour plowed to minimized direct runoff of water.

4. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin, or silt trap) before being allowed to enter the natural drainage system.

5. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a

gravel energy dissipater should be installed to prevent erosion at the discharge end.

6. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark, or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into the soil to provide additional slope stability.

7. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

c. Erosion Control on Agricultural Land. Any land occupier of agricultural land shall be considered in compliance with this ordinance provided that:

1. He is using approved soil conservation practices approved by the Fillmore County Soil and Water Conservation District Board to prevent erosion.
2. He does not have rills, gullies, or sediment deposits in his fields.
3. His farming methods do not create erosion or sediment problems on adjoining properties.
4. He is properly managing wooded land for pasture in a manner which prevents accelerated erosion or sedimentation due to overgrazing or cattle paths.

Subd. 20. Tree and Woodland Preservation. The following restrictions shall apply to all residential development occurring in wooded areas:

- a. Structures should be located in such a manner that the maximum number of trees are preserved.
- b. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- c. Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

Subd. 21. Home Occupations.

a. General. An annual permit shall be required for all home occupations. Home occupations shall be allowed subject to the following additional standards:

1. Such occupation is carried on in the principal or accessory building.

2. Not more than twenty-five percent (25%) of the gross floor area of the residence or an equivalent area in an accessory building is used for this purpose.

3. Only articles made or originating on the premise shall be sold on the premise, unless such articles are incidental to a permitted commercial service.

4. No articles for sale shall be displayed so as to be visible from any street.

5. No person is employed other than a member of the household residing on the premises.

6. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood and the health and safety of the residents is endangered.

7. No outside storage of material shall be allowed.

8. Conducting the home occupation shall result in no change of the outside appearance of the building.

b. Retail Sales. Home occupations allowing retail sales may be permitted if the following conditions are met:

1. No articles for sale shall be displayed so as to be visible from any street.

2. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood.

3. Such occupation does not generate more than two vehicles at any one time.

4. Such occupation must provide off-street parking.

5. Signs associated with such occupation shall conform to the setback requirements contained in this Ordinance, and shall not exceed nine (9) square feet in area. No illuminated signs are permitted for retail home occupations.

c. Bed and Breakfasts.

1. All bed and breakfasts shall comply with all state and federal bed and breakfast licensing requirements.
2. A host or host family must live on the premises of a bed and breakfast.
3. Breakfast may be provided by the host at a bed and breakfast; no other meals are permitted other than those served to overnight guests.
4. The lighting used on bed and breakfasts in residential neighborhoods shall be similar to the kind which is normal in such neighborhoods. There shall be no floodlights, blinking lights, neon lights, or lights create a glare or constitute a nuisance to the neighborhood.
5. No cooking shall be allowed in the guest rooms of any bed and breakfast.
6. At least two off-street parking spaces shall be provided for each bed and breakfast. Said parking shall not be provided in any required front yard.
7. Only one sign may be provided for a bed and breakfast. Such sign shall not exceed six (6) square feet in area, nor shall it be illuminated in any way.

Subd. 22. Sinkholes.

a. Placing Substances and Objects in Sinkholes. No person shall place to cause to be placed any substances or objects, other than those approved by the City of Lanesboro, in any sinkhole.

b. Development of Property with Sinkholes. Developers of property containing sinkholes shall be required to take corrective and protection measures deemed reasonable and necessary to minimize, and if possible eliminate, the entry of pollutants into subsurface water through such sinkholes. Such corrective and protective measures include but are not limited to:

1. Buffer zones covered with grass or other appropriate vegetation.
2. Installation of diversion methods or structures.
3. Installation of concrete or plastic lines.
4. Termination of any current activity which creates a pollution hazard.
5. Removal of substance and objects from the sinkhole.

Subd. 23. Feedlots.

a. Permit Required. Any person who owns, maintains, or operates an animal feedlot as defined in Section 330.01 shall obtain a permit for such use from the City.

b. Feedlot Standards. The following general standards shall be applicable to animal feedlot areas:

1. No animal feedlot area shall be located within a floodplain or shoreland, or within one hundred (100) feet of a sinkhole, a naturally occurring body of water, or a well used for domestic or municipal purposes.

2. All animal feedlot areas shall be designed to restrict infiltration or other movement of livestock wastes to the aquifer.

3. Where practical, the landowner shall maintain an impermeable surface for the floor of an animal feedlot area to minimize infiltration.

4. Animal feedlot areas shall have adequate surface drainage to prevent the accumulation of surface water in the area. The landowner shall construct embankments to prevent or significantly retard surface runoff into or out of the animal feedlot area. The inner side and upper surface of the embankment shall be lined with an impermeable substance. The animal feedlot shall not drain directly to a sinkhole or naturally occurring body of water.

c. Manure Storage. No individual or corporation within the sewered area of Lanesboro shall be permitted to temporarily store on the premises or property more than one (1) ton of manure for a period of more than five (5) days.

d. Enforcement of Feedlot Standards. Enforcement of feedlot standards shall be initiated upon receipt of a written or verbal complaint. In the event the feedlot owner or operator is found to have violated the standards contained herein, he shall pay such fines as established by the City Council.

Subd. 24. Mobile Home Parks.

a. Permit Required. It shall be unlawful for any person to construct, alter, or extend any mobile home park or structures within the park that are permanent in nature unless he holds a valid permit issued by the City of Lanesboro, for the specific construction, alteration or extension proposed. Said mobile home park shall be approved by the Minnesota Department of Health in accordance with Minnesota Statute 327.14 through 327.34 as amended, and Minnesota Agency Rule 2MCAR 1.90103.

b. Subdivision Permit Required. The developer of a new mobile home park shall obtain a subdivision permit in accordance with the requirements of the Lanesboro Subdivision Ordinance.

c. Park Area and Location. No mobile home park shall have an area less than five acres, nor shall it be located in any area other than a Mobile Home (MH) District.

d. Application Requirements. In addition to the application requirements associated with any proposed subdivision, the owner and or developer of a mobile home park shall provide the following additional information:

1. The method of disposing of garbage and refuse.
2. Floor plans of all service buildings to be constructed within the mobile home park.
3. Detailed description of maintenance procedures and grounds supervision.
4. Floor plans of all service buildings to be constructed within the mobile home park.

e. Performance Standards.

1. All mobile homes shall be properly connected to a central water supply and a public sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the Zoning Administrator and other relevant City staff. Where a public water supply is available to the mobile home park or at the boundary of the park, a connection to said public water supply shall be provided for each mobile home.
2. All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be based upon a minimum of 10% of the land area (exclusive of streets), but no outdoor recreational area shall contain less than 2,000 square feet. All equipment installed in such an area shall be owned and maintained by the owner or operator at his own expense.
3. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins shall be buried to a depth specified by the Zoning Administrator, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
4. A properly landscaped area shall be adequately maintained around each mobile home park.
5. Signs shall be limited to one nameplate or identification sign not to exceed twenty-five square feet,

with lighting height and location as approved by the Zoning Administrator.

6. The area beneath all mobile homes shall be enclosed with a material that shall be generally uniform through the entire mobile home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.

7. Each mobile home lot shall be served by a central fuel supply system such as natural gas or a central LP system. No separate private fuel containers, such as fuel oil tanks or LP tanks shall be allowed in the mobile home park.

8. All mobile home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the mobile home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a mobile home lot which is occupied by a mobile home nor upon the streets within the mobile home park. The storage area shall be no less than 200 square feet per unit.

9. Each mobile home lot within a mobile home park shall abut on and have access to a private road used by the inhabitants of the park and built and maintained by the owner thereof. This road shall lead to and furnish ingress and egress from a public street through controlled driveways which shall have a right-of-way at least sixty feet in width.

10. Every structure in the mobile home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every such structure shall be kept in good repair. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.

11. Storm shelters. All mobile home parks shall comply with the Minnesota Statutes 327.20, Subdivision 1, regarding required storm shelters. This Statute provides that:

a. In the case of a manufactured home park with less than 10 manufactured homes, a plan shall be provided for the sheltering or safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds and floods. Said plan shall be approved by the City of Lanesboro.

b. In the case of a manufactured home park with 10 or more manufactured homes, a safe place of shelter shall be provided for shelter residents, including a plan for evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by park residents in times of severe weather, including tornadoes and high winds. The plan shall be subject to the approval of both the City of Lanesboro and Minnesota Department of Health. Construction of the storm shelter shall comply with the design standards as outlined in M.S. 327.205.

12. All structures shall require a building permit.

330.07 ENFORCEMENT.

Subd. 1. Violations and Penalties.

a. Violations. The violations of any provisions of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days or both, plus, in either case, the cost of prosecution.

b. Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

c. Application to Community Personnel. The failure of any officer or employee of the community to perform any official duty imposed by the Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

d. Equitable Relief. In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the community, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

I hereby certify the above ordinance is a true and correct copy of the original published in the Preston Republican/Lanesboro Leader on _____ of _____, 1989.

Orrin Olson, City Clerk

Date